IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.Rev.Pet.No. 3021 of 2004(C)

CC.428/2001 of JUDL. MAGISTRATE OF FIRST CLASS, CHANGANACHERRY

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REVN. PETITIONER: DEFACTO COMPLAINANTS:

1. SREEDHARA PANICKER, S/O. RAMAN PILLAI,
   NALLOOR VEEDU, NORTH OF CHERUVALLIKAVU TEMPLE,
   MUTTAM KARA, NATTAKAM VILLAGE, CHANGANASSERY.

2. RAJAMMA, W/O. SREEDHARA PANICKER,
   -DO- -DO-.

BY ADV. SRI.G.SUKUMARA MENON
SMT.DEEPTHI S.MENON

RESPONDENTS: COMPLAINANT & ACCUSED:

1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. AJITHA, D/O. RAMAKRISHNAN NAIR,
   NALLOOR HOUSE, MUTTAM KARA, NATTAKAM VILLAGE,
   CHANGANASSERY.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.
BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.A.NO. 13650 OF 2004 IN CRL.R.P.NO. 3021/2004

DISMISSED.

SD/-K.R.UDAYABHANU,JUDGE

12-2-2007

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.3021 of 2004

DATED THIS THE 12TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner has sought for setting aside the order of the court below permitting the withdrawal of the complaint at the initial stage and consequent acquittal of the accused under Section 321 Cr.P.C. The first petitioner/complainant is the paternal uncle of the 2nd respondent/accused. There was a case and counter case with respect to the incident that took place on 3-12-2000. The incident as mentioned in the petition herein is that on the particular day when the lineman from the electricity office came to replace the service wire, the second respondent/accused came to the place and abused the first petitioner, hurled filthy water on the face and thereafter she took a wooden plank and hit on his face and consequently he was taken to the District Hospital and to the Medical College Hospital for treatment for the in injuries to the nasal bone. The offence charged is under Section 326 I.P.C. It is submitted that in the counter case the first petitioner and his son was made to stand trial vide C.C.No.622/2001 in the Court of the Judicial First Class Magistrate, Changanasserry . It is submitted that the above case has ended in acquittal. It is in the

meantime that the present case was withdrawn on the basis of the application filed by the Prosecutor supported by the Government order in this regard dated 21-2-2002. It is the case of the petitioners that in the case of withdrawal both the cases ought to have been withdrawn and not to one case alone.

I find considering the fact that the parties are closely related and living in the adjacent houses, the withdrawal of the case cannot be found fault with. All the same as contended by the counsel for the petitioners the case against the first petitioner and his son also ought to have been withdrawn. All the same as it has been admitted that the above case ended in acquittal and there is no appeal pending. I find that no interference is called for. The Crl.R.P.is dismissed.

K.R.UDAYABHANU, JUDGE

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